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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDEBY: 

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION,

Plaintiff,

v.

CAESAR RODRIGUEZ,

Defendant.

Case No. EDCV 12-1093-UA (DUTYx)

ORDER RE: SUMMARY REMAND
DUE TO IMPROPER REMOVAL

On July 3, 2012, Caesar Rodriguez ("Defendant"), lodged a Notice Of Removal, a Complaint for unlawful detainer and damages, and an application to proceed *in forma pauperis*. Plaintiff has brought suit in a straight-forward unlawful detainer action in the San Bernardino County Superior Court, Victorville Branch. The Court has denied the aforementioned application under separate cover because this action was not properly removed. As a result, the Court issues this Order to remand the action to state court.

Plaintiff could not have brought this action in federal court based on federal question jurisdiction because the underlying matter is a straight-forward unlawful detainer action. 28 U.S.C. §§ 1331, 1441(a). Further, assuming a claim of diversity jurisdiction was to be asserted as a basis for removal, the Court notes Plaintiff in the

1 unlawful detainer action seeks damages which do not exceed the \$75,000 threshold,
2 excluding interest and costs. 28 U.S.C. §§ 1332(a), 1441(b).

3 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
4 Superior Court of California, San Bernardino County, Victorville Branch, 14455 Civic
5 Drive, Suite 100, Victorville, California 92392, for lack of subject matter jurisdiction
6 pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to
7 the state court; and (3) that the Clerk serve copies of this Order on the parties.

8
9 **IT IS SO ORDERED.**

10
11 DATED: July 17, 2012


12 HONORABLE AUDREY B. COLLINS
13 Chief United States District Judge

14 Presented by:

15 
16 HONORABLE OSWALD PARADA
17 United States Magistrate Judge